

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claim 66 is objected to under 37 C.F.R § 1.75(c), as being of improper dependent form because it depends on cancelled claim 30. Claim 66 is amended to depend from claim 65. Accordingly, the applicants respectfully request that the Examiner reconsider and withdraw this objection in view of the amendment.

The Examiner contends that in claim 46, the sign "[+]" should be deleted since it does not represent any subject matter in the claim. The applicants respectfully submit that claim 46 does not recite the sign "[+]".

The sign in line 5 of claim 46 is "[[+]]", which denotes deletion (by double bracket and strikethrough) of a colon ":" symbol. Accordingly, the applicants respectfully request that the Examiner reconsider and withdraw this objection in view of the foregoing argument.

Rejections under 35 U.S.C. § 102

Claims 40-56, 62-72, 76, 135 and 144 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0109063 ("the Kusaka publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claim 40 (similarly claim 135), as amended, is not anticipated by the Kusaka publication because the Kusaka publication fails to teach an information acquisition device which acquires digital information from a server, the information acquisition device comprising: an image capturing unit obtaining image data by capturing a subject image formed from a shooting light input through a taking lens; a first transmission unit transmitting, wirelessly, an information request signal that includes an information request, without specifying any destination address of the information request signal; a reception unit receiving a radio signal addressed to the reception unit and transmitted wirelessly from the server in response to the information request signal transmitted by the first transmission unit, and acquiring information contained in the radio signal; an information request

creation unit creating the information request signal that includes an address of the reception unit; an information storage unit storing the image data captured by the image capturing unit in addition to the information acquired by the reception unit; and an operation unit issuing an instruction to transmit the information request signal by the first transmission unit and to capture an image obtained by the image capturing unit in one user operation, wherein **the first transmission unit has directivity and radiates the information request signal in a direction corresponding to an optical axis of the taking lens, and the reception unit has one of (A) no directivity and (B) broader directivity than the first transmission unit.** The amendments are supported by, for example, paragraphs [0164], [0186]-[0195], [0199], [0205]-[0207], [0278], [0282]-[0292] and [0393] and Figures 1, 15-19 and 35.

The Kusaka publication discusses transmitting the information via wireless portable telephone link to the server. More specifically, it states:

[0222] ... First, the electronic camera 100 transmits the image identification information of the image file it wishes to read, the camera identification information and the user identification information **by means of the wireless portable telephone function via a wireless portable telephone link 130** to the gateway server 160...[Emphasis added.]

(Paragraph 222 of the Kusaka Publication) Thus, the information in the Kusaka publication is transmitted by

means of wireless portable telephone link, which does not have directivity as claimed. Accordingly, the Kusaka publication fails to even teach a **transmission unit that has directivity**; nor does it teach a **transmission unit that radiates the information request signal in a direction corresponding to an optical axis of the taking lens**.

Further, the Kusaka publication fails to disclose **the reception unit has one of (A) no directivity and (B) broader directivity than the first transmission unit** as recited in claim 40, as amended.

Furthermore, claim 40 recites that an information request signal transmitted to obtain information from the server includes only the address of the reception unit. In contrast, the Kusaka publication teaches transmitting information for designation information (image) to obtain information for identifying a camera and information for identifying a user to the gateway 160 so as to obtain a designated image data. The Kusaka publication also teaches transmitting information for identifying an image and camera and information for identifying a user to the gateway 160 so as to obtain information for identifying the image. Accordingly, the Kusaka publication fails to teach the **information request signal that includes an address of the reception unit** as recited in claim 40, as amended.

As should be appreciated from the foregoing, the Kusaka publication fails to anticipate claim 40, as amended. Claim 135, as amended, is similarly not

anticipated. Since claims 41-56, 62-72, 76 depend directly or indirectly from claim 40, and since claim 144 depends from claim 135, they are similarly not anticipated by the Kusaka publication. Accordingly, the applicants request that the Examiner reconsider and withdraw the rejection in view of the foregoing.

Rejections under 35 U.S.C. § 103

Claims 57-61 and 73-75 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kusaka publication in view of U.S. Patent Application Publication No. 2004/0053637 ("the Iida publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

As explained above, the Kusaka publication fails to anticipate independent claim 40, as amended. The alleged teachings of the Iida publication do not compensate for the deficiencies of the Kusaka publication with respect to claim 40, as amended. Therefore, the Kusaka and the Iida publications, either taken alone or in combination, fail to teach or make obvious claim 40, as amended. Since claims 57-61 and 73-75 depend directly or indirectly from claim 40, they are similarly not rendered obvious.

**Authorization to Charge Deposit Account and
Request for Any Necessary Extension of Time**

To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension, and/or any fee required for consideration of this filing, is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

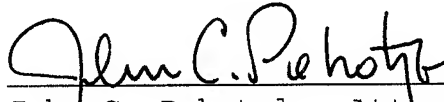
Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such

as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

November 12, 2010

A handwritten signature in dark ink, appearing to read "John C. Pokotylo", written over a horizontal line.

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